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THE INTEGRATION OF ARTIFICIAL INTELLIGENCE INTO LAW-MAKING ACTIVITIES: SOME THEORETICAL PROBLEMS

ІНТЕГРАЦІЯ ШТУЧНОГО ІНТЕЛЕКТУ У ПРАВОТВОРЧУ ДІЯЛЬНІСТЬ: ОКРЕМІ ТЕОРЕТИЧНІ ПРОБЛЕМИ

Volokhov O. S.
Candidate of Sciences (Law),
Doctoral Student at the Department
of Theory of State and Law
Koretsky Institute of State and Law
of the National Academy of Sciences
of Ukraine
Kyiv, Ukraine

Волохов О. С.
кандидат юридичних наук,
докторант відділу теорії держави
і права
Інститут держави і права
імені В. М. Корецького
Національної академії наук України
м. Київ, Україна

Artificial intelligence (AI), as the capability of a computer to perform tasks typically associated with human intelligence, is changing our common way of problem-solving and decision-making. High-profile applications of AI include advanced web search engines, recommendation systems, and even generative and creative tools used for different tasks by their users. The current situation with AI has been characterized as the so-called era of the "fourth industrial revolution", the "second machine age".

AI is transforming the legal profession, boosting lawyer productivity through AI-powered tools that handle document review, legal research, and information analysis. While, due to Thomas Reuters' report, legal professionals expect to free up nearly 240 hours per year by using AI [1, p. 2], the use of AI-powered tools in the law-making process is still a perspective but not a duly legally regulated activity.

Legal regulation of the use of AI, within the European Union, is aimed at improving the regulatory framework for the use of artificial intelligence, considering the principles of ethics, transparency, technological security, non-discrimination, and respect for human rights. But the development of specialized legal regimes for individual categories of artificial intelligence systems, like law-making activities, was left without proper attention.

At the same time, there are lots of scientific studies providing possible ways to empower legislation effectiveness and even empower parliament's possibilities and activities in law-making with the specific use of AI-powered tools. Lots of ethical questions and even political responsibilities of legislators were considered, while risks from writing drafts of laws by AI-powered computers are still occurring.

Improving legislation quality and effectiveness through AI-powered tools doesn't mean making drafts of laws and normative acts without legislators' participation. While some countries like the United Arab Emirates have ambitious plans to use AI to draft new legislation and even to review and amend existing laws, most scientists are not sure that AI can be used properly in such a way.

If the quality of legislation is mostly connected with its content and the professional qualification/experience of legislators, the effectiveness is a more complex characteristic of law. Thinking about the effectiveness of law, we are trying to understand how it is used by the population, or even whether they acknowledge it and are ready to change their legal behavior in a proper way.

Thus, AI is a tool that can be a game changer in legislation development, analysing, and synthesising responses, resolving language barriers, or extracting patterns from data, and legislators can find a direct legal problem and its origin where a new law is needed or an old one should be changed or replaced. Public consultations can be an even less effective way to gain a public opinion on legislative drafts than several public chats or forums where people share their ideas and points on problems they have, and which can be improved by legislation. AI-generated tools can either find all the information for proper legislation drafting or even make a special report with the relevant information on public opinion. New domestic legislation should be developed using modern achievements of legislative technique, which will increase its accessibility for perception and understanding by the population and significantly reduce the possibility of errors or abuses in the process of its implementation by various subjects of law [2, p. 98].

The use of AI in law-making is a way to fulfil formal requirements and to use legislative technique rules when drafting legislation, which generally affects the quality of the entire regulatory framework. While the law-making process covers several aspects, including those related to procedural issues

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such as the schedule, timing, and procedural issues of legislative activity, the submit of a bill to committees, its evaluation, and the assessment of the acceptability of amendments, the automation of all these processes using AI technologies can make the law-making process more efficient (potentially even strengthening the position of the parliamentary opposition) [3, p. 16–17].

The integration of AI into law-making holds tangible promise, but the stakes are high. Many AI tools lack interpretability, undermining legal principles like accessibility, accountability, and transparency. It is the classic "black box problem" that reflects the lack of transparency and explainability that may render AI decision-making processes impenetrable. So, it is difficult to determine why an AI system reached a given output or decision because it may be impossible to reverse engineer the decision-making process to know on which data the AI system relied [4, p. 443]. Legislators and affected citizens may not understand or trust AI-derived recommendations to protect procedural fairness, human rights, and the rule of law.

It is the task of legislators and policymakers to participate in the decision-making process, with the right to advocate on one's behalf, and the right to have reasons, while the implementation of AI in law-making activity will lead to a cost-saving approach [5, p. 685].

Using AI-powered tools to introduce digitalisation in legislative activity and to empower legislation effectiveness demands that this process be regulated by law in detail. Transparency should be the main issue for the AI-powered tools used in law-making activities, while the sources of information used by them must be reasonable and actual. Legislators can use AI to fulfil formal requirements and to adhere to legislative technique rules but writing drafts of laws using AI and submitting such a bill to the parliament's committee should be prohibited by law.

Another way of usage of AI-powered tools may occur while preparing reasoning and supplement documents for a draft of a bill. The law will not work if there is no need in it, so this need must be clear for all parties involved in law-making activities. Somehow, AI can find a possible usage of new legal regulations as well as generate statistical, financial, and social information, which can be used to explain the ideas of the legislator. Moreover, in some complex drafts of a bill, the summary generated by AI can help to explain the point at the committees' or parliament's hearings.

So, a proper use of AI-powered tools is a way to empower law-making activities by modern digital solutions, which can make the process easier and even more transparent. But AI shouldn't take the place of a legislator, drafting laws and choosing proper legal regulations. Considering the "black box problem" that reflects the lack of transparency and explainability, the special international standards of AI usage in democratic law-making are

needed to warn local parliaments and governments from potential legislative mistakes, which can lead to financial and reputation losses.

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